

EXHIBIT 3

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ELYSE MCKENNA,

Plaintiff,

v.

Case No: 24-cv-12347

Hon. Judge Brandy R. McMillion

ROBERT F. RILEY, *an individual*,
RILEY & HURLEY, P.C. *a domestic*
professional corporation,
OLSMAN, MACKENZIE,
PEACOCK, P.C. *a domestic professional*
corporation,
Defendants.

Kathleen J. Kalahar (P60301)
1394 East Jefferson Avenue
Detroit, MI 48207
(313) 567-6165 (office)
(248) 310-0133 (mobile)
(313) 567-4827 (facsimile)
kkalahar@goodmankalahar.com
Attorney for Plaintiff

DEBORAH GORDON LAW
Deborah L. Gordon (P27058)
Elizabeth Marzotto Taylor (P82061)
Sarah Gordon Thomas (P83935)
33 Bloomfield Hills Parkway, Suite 220
Bloomfield Hills, Michigan 48304
(248) 258-2500
dgordon@deborahgordonlaw.com
emarzottotaylor@deborahgordonlaw.com
stthomas@deborahgordonlaw.com
Attorneys for defendant Olsman, MacKenzie,
Peacock, P.C.

Kienbaum Hardy Viviano
Pelton & Forrest, P.L.C.
Elizabeth Hardy (P37426)
Thomas J. Davis (P78626)
280 North Old Woodward Avenue, Suite 400
Birmingham, MI 48009
(248) 645-0000
ehardy@khvpf.com
tdavis@khvpf.com
Attorneys for Defendants Robert F. Riley and
Riley & Hurley, P.C.

AFFIDAVIT OF DEBORAH L. GORDON

STATE OF MICHIGAN)

) SS:

COUNTY OF OAKLAND)

I, Deborah L. Gordon, first being duly sworn on oath, state as follows:

1. The only time I spoke to Elyse McKenna was in 2021. McKenna's 2021 call to my office was unilateral and unsolicited, as were her 2024 calls.
2. As to the 2021 phone call with McKenna, I do not recall her sharing any information about the "surreptitious photographs on Riley's ipad", nor did she "disclose privileged and sensitive information that she has not disclosed in this case"; or provide me a "detailed, confidential account of Bob Riley's conduct and how she handled it".
3. As set forth in my prior affidavit, the 2021 call was brief, and restricted to only the information necessary for me to determine, as quickly and efficiently as possible, whether McKenna had a viable legal claim. As I previously stated, while on the call with McKenna in 2021, I quickly ascertained that she did not have a viable claim and learned no information extraneous to my narrow analysis as set forth in my prior affidavit and the Response brief.
4. To be clear, I never told McKenna that if she filed suit against Riley that she would have to leave the state of Michigan. As I previously stated, this is not something I would say.

5. McKenna was never “intentionally induced to unwittingly share confidential information” with my firm at any time, by me or anyone in my employ.

6. As I previously stated, I spoke to Jules Olsman and Donna MacKenzie, with whom I have long been acquainted, on Saturday, February 3, 2024 about their concerns with McKenna, and provided them legal advice.

7. As of February 5 and February 6, 2024, neither I nor my firm had been retained by Olsman McKenzie Peacock (OMP) or any of its principals. I did not anticipate that a formal representation would be necessary as to OMP until Sarah Prescott contacted Donna MacKenzie about McKenna’s claims against OMP on or about February 10, 2024.

8. As of February 5 and February 6, 2024, I did not advise Ms. D’Costa of my February 3, 2024 consultation with OMP.

9. Ms. D’Costa is the only office assistant for my firm. She performs purely administrative tasks in every case in which my firm has entered an appearance, including this one. She was not “assigned” to this case.

FURTHER DECLARANT SAYETH NOT.



Deborah L. Gordon

TERESA D COSTA
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF MACOMB
My Commission Expires January 23, 2030
Acting in the County of Macomb

